HAROLD WOODS THIRD ADDITION GRANTED PRELIMINARY APPROVAL. Affidavits of Notice were presented by Clerk, approved as to form and ordered placed on file. Mr. Hoisington presented Harold Woods Third Addition, noting that this one lot plat is located on the West side of Schaefer Road, South of Interlachen Blvd. The plat meets ordinance requirements and Planning Commission has recommended approval. Following some discussion, Councilman Courtney offered the following resolution and moved its adoption:

RESOLUTION APPROVING PRELIMINARY PLAT OF
HAROLD WOODS THIRD ADDITION

BE IT RESOLVED by the Village Council of the Village of Edina, Minnesota, that that certain plat entitled "Harold Woods Third Addition", platted by Mrs. Harold Schaefer, a widow, and Verl J. Young and Evelyn L. Young, husband and wife, and presented at the Meeting of the Village Council of January 5, 1970, be and is hereby granted preliminary approval.

Motion for adoption of the resolution was seconded by Councilman Shaw and on rollcall there were four ayes and no mays and the resolution was adopted.

ATTEST:

(signed)

JAMES VAN VALKENBURG

Mayor Pro Tem

(signed) FLORENCE B. HALLBERG

Village Clerk

WARDEN ACRES AUSTIN REPLAT GRANTED PRELIMINARY PLAT APPROVAL. Affidavits of Notice were presented by Clerk, approved as to form and ordered placed on file. Mr. Hoisington presented Warden Acres Austin Replat for preliminary approval, noting that this seven lot plat is located South of Grove Street, North of Benton Avenue and West of Hansen Road. Mr. Hoisington noted that the intent of the plat is to get some dedication for access to the 300 foot lots to the South in case these lots are ever divided in half. One variance will be needed for the lot next to Mr. Austin's house which will be lll feet deep instead of the required 120 foot depth. A question from an unidentified lady was answered by Mr. Hoisington who stated that desirable homes could be built with the contour of the land and that it would not be practical to build multiple dwellings. He added that if Mr. Austin had intended to build multiples, the property would not have had to be platted. No further objections being heard, Councilman Johnson offered the following resolution and moved its adoption:

RESOLUTION APPROVING PRELIMINARY PLAT OF WARDEN ACRES AUSTIN REPLAT

BE IT RESOLVED by the Village Council of the Village of Edina, Minnesota, that that certain plat entitled "Warden Acres Austin Replat", platted by Curtis E. Austin and Valborg J. Austin, husband and wife, and presented at the meeting of the Edina Village Council of January 5, 1970, be and is hereby granted preliminary approval.

Motion for adoption of the resolution was seconded by Councilman Shaw and on rollcall there were four ayes and no nays and the resolution was adopted.

ATTEST:

(signed) JAMES VAN VALKENBURG

Mayor Pro Tem

(signed) FLORENCE B. HALLBERG

Village Clerk

WEST 69 1/2 STREET AGREEMENT APPROVED. Mr. Hyde advised Council that an agreement had been reached between the Village and Mr. James Hoben of France Avenue Development Corp., rather than vacating W. 69 1/2 Street just west of France Avenue as had originally been requested. He noted that under the agreement the street would be blacktopped for parking purposes at the owner's expense and that the Village reserves the right to tear up the improvement at no cost to the Village should the street need to be put in. Following some discussion, Councilman Johnson offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED by the Edina Village Council that the Manager and Clerk are hereby authorized to enter into agreement with France Avenue Development Corporation and Nicollet Minneapolis, Inc., relative to the improvement of West 69 1/2 Street immediately West of France Avenue.

Motion for adoption of the resolution was seconded by Councilman Courtney and on rollcall there were four ayes and no nays and the resolution was

adopted.

(signed) JAMES VAN VALKENBURG .

ATTEST:

(signed) FLORENCE B. HALLBERG

Mayor Pro Tem

### AGREEMENT

THIS AGREEMENT, Made and entered into this 12 day of August,
1969 by and between the VILLAGE OF EDINA, a Minnesota municipal corporation,
party of the first part (hereinafter sometimes called "Village"), FRANCE
AVENUE DEVELOPMENT CORPORATION, a Minnesota corporation (hereinafter sometimes called "Development Corporation") and NICOLLET MINNEAPOLIS, INC.,
a Minnesota corporation, (hereinafter sometimes called "Nicollet"), parties
of the second part, and

WHEREAS, Development Corporation is the owner of certain property situate in the Village of Edina, County of Hennepin, State of Minnesota, described as follows, to-wit:

All of Lot 2, Block 1, Replat of Lot 2, Block 1, South Office Park First Addition, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said Hennepin County, except that part of said Lot 2 lying West of the following described line: Commencing at the Southwest corner of Lot 1, Block 1, said Addition; thence Easterly along the South line of said Lot 1 a distance of 372.89 feet to a corner of said Lot 1, which corner is the actual point of beginning of the line to be described; thence Southerly to the Northwest corner of Lot 3, Block 1, said Addition, and there terminating, and shown outlined in red on the survey attached hereto as Exhibit A and hereby made a part hereof, (hereinafter called "Development Corporation Tract"); and

WHEREAS, Nicollet is the owner of the following described property situate in the Village of Edina, County of Hennepin, State of Minnesota, to-wit:

Lot 1, Block 1, South Office Park First Addition, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for Hennepin County, Minnesota, and shown outlined in green on said Exhibit A (hereinafter called "Nicollet Tract"); and

WHEREAS, there has been dedicated to the Village for public street purposes, by the said plat of South Office Park First Addition, a certain tract of land shown upon said plat and commonly known as West 69-1/2 Street, which extends Westerly from its intersection with France Avenue South for a distance of 155 feet, and which lies between and abuts the Development

Corporation Tract and the Nicollet Tract, and is outlined in black on said Exhibit A (hereinafter called the "Street Tract"); and

WHEREAS, the parties hereto have reached an agreement with respect to the use of the Street Tract and by these presents seek to reduce the same to writing.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows:

- 1. Parties of the second part do hereby agree to lay out, improve and blacktop the Street Tract at their sole cost and expense substantially in accordance with the drawings attached hereto marked Exhibit B and hereby made a part hereof as fully as though set forth herein.
- 2. The Village shall have and has no obligation or liability of any kind to maintain or repair (including snow removal) the Street Tract during the existence of this Agreement, but parties of the second part shall, and they hereby agree to, maintain and repair (including snow removal) the Street Tract, at their sole cost and expense, during the existence of this Agreement.
- 3. Nothing herein contained shall permit or be construed to permit parties of the second part to block, stop or interfere with (other than such interference as may be necessary due to improvements and repairs made to the Street Tract pursuant hereto) public passage over and across the Street Tract in an East and West direction and along the 24 foot wide corridor shown on said Exhibit B, and the parties of the second part hereby agree to permit the public to pass and repass at all times during the existence of this Agreement over and across the Street Tract for its full length and along said 24 foot corridor shown on said Exhibit B.
- 4. The parties hereto do hereby agree that upon ninety (90) days written notice by any party hereto to the others, this Agreement will terminate and parties of the second part will abandon their improvements and their use of the Street Tract and will surrender and deliver up possession of the Street Tract to the Village; provided, however, that no such notice shall

be given by the Village prior to July 1, 1971, unless given pursuant to paragraph 7 hereof.

72

- 5. Parties of the second part do hereby waive all rights, claims, and causes of action against the Village which they may now have, or hereafter acquire, by reason of the Village proceeding with the arrangement contemplated by this Agreement, and the said parties of the second part hereby agree to indemnify and hold harmless the Village against any claims, damages, costs or expenses, including attorney's fees, arising out of any claims by third parties concerning the propriety or legality of the Village entering or proceeding with the arrangements contemplated by this Agreement or arising out of any damage to persons or property occurring on or about said Street Tract during the existence of this Agreement.
- 6. Upon termination of this Agreement and upon improvement for public street purposes by the Village of said Street Tract, the Village will assess the cost of such improvements in the manner then used by the Village. The Village shall have no liability or responsibility to parties of the second part for damage or injury to the improvements made to or placed upon the Street Tract by them, or either of them, caused by Village in improving the Street Tract for public street purposes, and all claims hereafter claimed or held by parties of the second part, or either of them, for any damage or injury are hereby waived and released.
- 7. In the event parties of the second part fail or refuse to perform any covenant or provision hereof to be by them performed, and such failure or refusal shall continue for a period of thirty (30) days after written notice thereof from the Village to parties of the second part, then the Village, at its option, may (i) perform such covenant or provisions and the costs thereof, including reasonable attorney's fees and interest thereon at 8% per annum, shall be paid by parties of the second part, one-half by each,

to the Village, on demand, and if not so paid, such costs to be paid by the non-paying party, may be recovered by the Village by such legal remedies as are then available to it, or the Village may assess such costs to be paid by the non-paying party against the property of the non-paying party, such assessment and payment thereof to be in the manner set out in paragraph 6 hereof, or (ii) may terminate this agreement by notice given pursuant to paragraph 4 hereof, even though it be prior to July 1, 1971.

- 8. This agreement shall be binding on and inure to the benefit of the parties hereto, and their respective successors and assigns, and the provisions hereof shall be deemed covenants running with the land and binding upon all and future owners and encumbrances of the Development Corporation Tract and Nicollet Tract.
- 9. Whenever in this Agreement it shall be required or permitted that notice or demand be given or served by any party to this Agreement to or on the others, such notice or demand shall be given or served and shall not be deemed to have been duly given or served unless in writing and forwarded, by registered or certified mail, postage prepaid, addressed as follows:

If to Village at:

4801 West 50th Street Edina, Minnesota

If to Development
Corporation at:

7515 Wayzata Boulevard Minneapolis, Minnesota 55426

If to Nicollet at:

4651 Hampton Avenue St. Louis, Missouri

Such notices or demands shall be deemed given and served when deposited in the mail so addressed and forwarded. Any party may change its address from time to time by serving notice in the manner above provided.

IN TESTIMONY WHEREOF, The said parties have caused these presents to be executed the day and year first above written.

IN PRESENCE OF:	VILLAGE OF EDINA
June B. Regan.	By Millian Langer  Its Manager
3	A Silver B. H. Marger
) - Frances (1) Sunting	Its Clerk
O	FRANCE AVENUE DEVELOPMENT CORPORATION
May & Kaling A. de Ett allen	By James P. Ix John- Its Drawbert And Milhon & Merchan
	. Its feed file
	NICOLLET MINNEAPOLIS, INC.,
Dugini L'Esterloh.	By Kennetl LD Symiach
5 anthing 1 - 10	And Organia In Samuel
(/	Its Justice
STATE OF MINNESOTA)	
COUNTY OF HENNEPIN)	•
within and for said County, personally have a formal formal corporation named in the formaffixed to said instrument is the corporation; that said instrument was signed corporation by authority of its	ally known, who being each by me duly ely the Manager and the Clerk of the egoing instrument; that the seal orate seal of said municipal corpora-
	• • • • • •

KENT P. SWANSON

Notary Public, Hennepin County, Minn.

My Connection Expires 3 -2 -76

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this 15 day of lease, 1969, before me, a Notary Public, within and for said County, personally appeared and lease to me personally known, who being each by me duly sworn, did say that they are respectively the said and of France Avenue Development Corporation, one of the corporations named in the foregoing instrument; that the seal affixed to said instrument is the corporate seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its least of the the said and least of the said and least of said corporation.

MERY P. KADING.

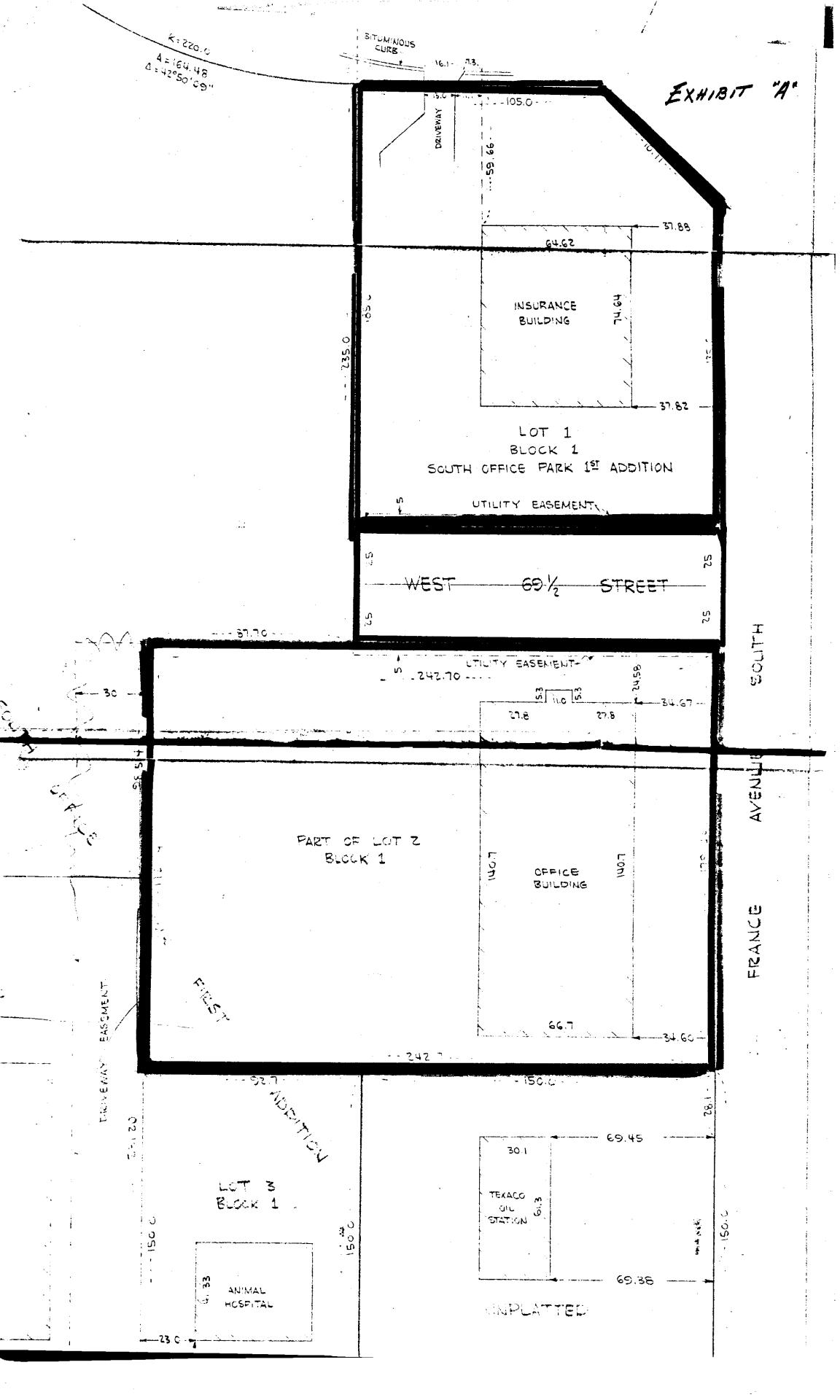
Motory Public, Hancopic County, Minn.
My Commission Exp. 182, 26, 1971.

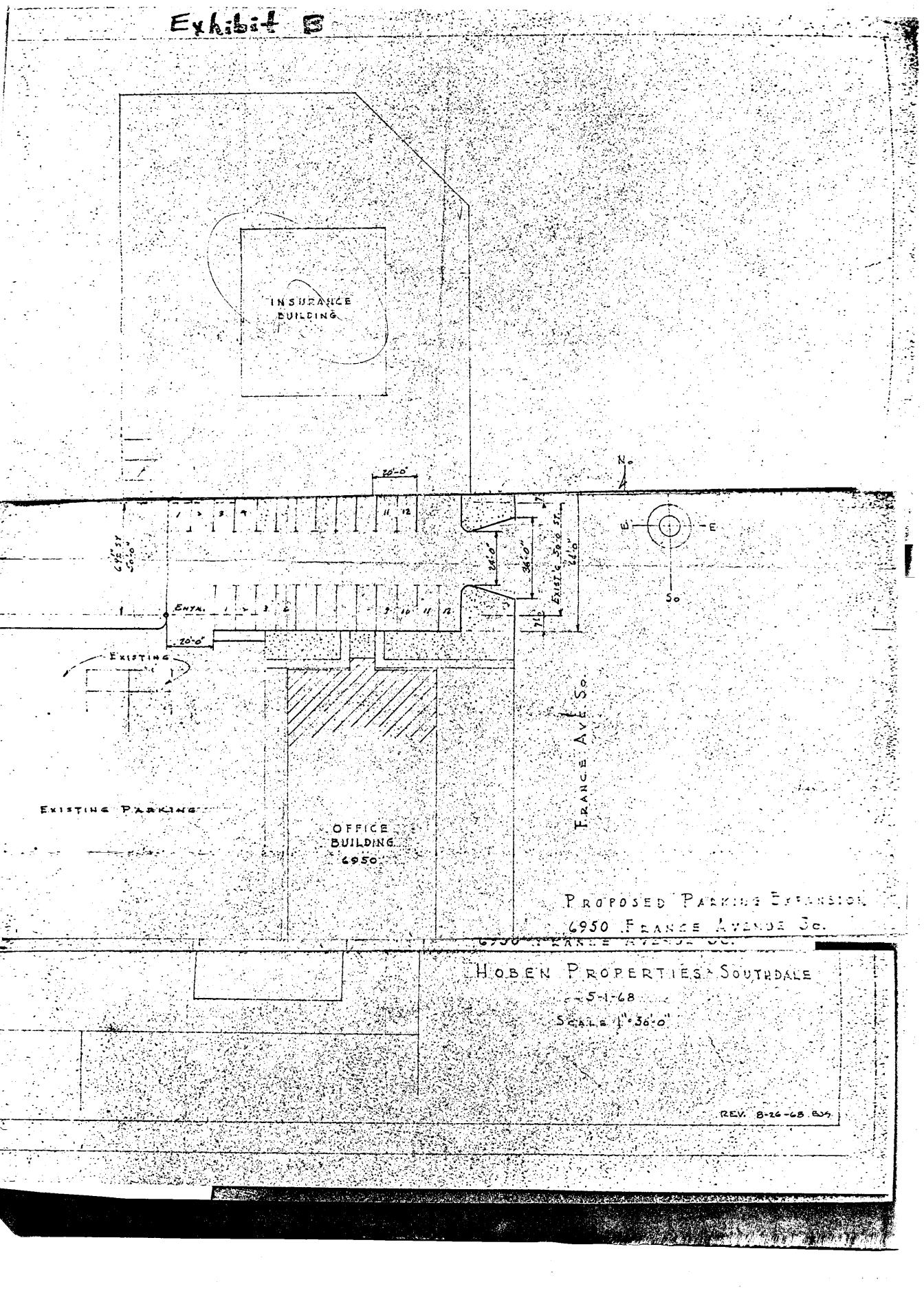
STATE OF MINNESOTA)

When ss.

COUNTY OF HENNEPIN)

On this 30 th day of Coher, 1969, before me, a Notary Public, within and for said County, personally appeared for said for said County, personally appeared for said say that they are respectively the formulation and for said instrument is the foregoing instrument; that the seal affixed to said instrument is the corporate seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its for fixed for said instrument to be the free act and deed of said corporation.





SAINT LOUIS MISSOURI

### SYMSACK Development Corp.



GENERAL CONTRACTORS

4651 HAMPTON AVE.

ST. LOUIS 9, MO.



DEVELOPERS INVESTORS

August 3, 1966

Mr. George C. Hite, Assistant Village Manager Director of Public Works and Engineering

Village of Edina 4801 West Fiftieth Street Edina, Minnesota

RE: Nicollet Minneapolis, Inc. 6900 France Avenue, South Edina, Minnesota

Dear Mr. Hite:

A. A. Hardy and Associates, Inc.

CUSTOM CONSTRUCTION

PHONE 561-3800 561-1347



R. E. "BOB" SANDIN 8425 RIVERVIEW LANE MINNEAPOLIS, MINN, 55430

We have received in our office the petition on which our signature has been requested for the grade and graveling of the proposed street known as West 69½ Street, and which will bounder on the south line of the property we now own in your City.

We would like to have from your office an estimated breakdown of costs for the filling of this street and the surfacing of same, including curb, gutter, etc. What would be the cost of the dirt for fill to bring the grade up to the required level? We have in our files a figure of a cost of approximately \$9,000.00 for the work, but have more current information that due to dirt being available to the city at this time at a fraction of the cost at the time the \$9,000.00 estimate was prepared, that certainly this estimate would be greatly reduced at this time.

During the month of May, 1966, Mr. Richard Fredlund, Planning Director, talked with our representative, Mr. Howard Smith, at which time he told us approximately \$5,600.00 was included for fill in an overall figure of approximately \$10,000.00.

(Continued)

Mr. Hite

August 3, 1966

We will want to negotiate the possible relocation of the entrance from West  $69\frac{1}{2}$  Street to our property prior to the actual construction.

May we have your comments as to the time element involved in making our decision in these matters.

Yours very truly,

SYMSACK DEVELOPMENT, INC.

iguia Losterloh

(Mrs.) Virginia L. Osterloh Administrative Coordinator

VLO:mjb

SAINT LOUIS MISSOURI

### SYMSACK Development Corp.

SDE

GENERAL CONTRACTORS

4531 HAMPTON AVE.

ST. LOUIS 9, MO.

September 7, 1966

DEVELOPERS INVESTORS

Mr. R. D. Martinson, Dayton Development Company 4005 West 65th Street Edina, Minnesota

Dear Mr. Martinson:

We are enclosing the petition for grading and graveling of W. 69-1/2 Street at France Avenue South. It is our understanding, from Mr. Sandin of the A. A. Hardy Construction Company, that this petition was to be signed in our office and returned to you for presentation to the proper officials. We shall appreciate your attention to the matter. From Mr. George Hite of the Village of Edina, we have received information that we will receive notification of the outcome of the anticipated hearing regarding same.

We are most interested in securing a cut in the proposed median in France Avenue South, to West 69-1/2 Street, for an access to, our building and shall appreciate any efforts you make in our behalf. We feel certain that this would be what you would like to ultimately achieve for your own purpose also.

Very truly yours,

SYMSACK DEVELOPMENT, INC.

(Mrs.) Virginia L. Osterloh, Administrative Coordinator

VLO/hmb

CC to Mr. Robert Sandin

561-134) - 561-3800

7.72.66

### PETITION FOR GRADING AND GRAVELING.

abutting on the following	g owners of not less tha g streets in said village	n 51% in frontage of the real proper.	;r∙oy ⊘.o.⊊.
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GRADE AND GRAVELLING, and	l that the cost of said i	ets be improved by PUTTING SAME TO mprovement be assessed against abut innesotz, 1953, as amended.  DESCRIPTION OF PROPERTY	PERMA ting
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SPONSORS OF PETITIONS PLEASE NOTE: THE COUNCIL HAS ASKED THAT PETITIONS BE SIGNED BY OWNERS OF 60% OF ABUTTING PROPERTIES WHEREVER POSSIBLE.

Requester -

AIR-MAIL PIETERN

### DAYTON DEVELOPMENT COMPANY

534 Roanoke Building, 109 So. 7th St., Minneapolis, Minn. 55402, Phone 339-3611

January 16, 1969

Village of Edina 4801 West 50th St. Edina, Minnesota 55424

Re: Proposed street vacation of West 692 Street

#### Gentlemen:

Attached is a copy of my letter dated August 5, 1968 outlining the Dayton Development Company's position in regard to the above street vacation.

Our position has not changed since that date and we still feel strongly that the vacation of  $69\frac{1}{2}$  Street is premature.

The only change in conditions since August 5th is that the probability now is greater that this land will revert to our company because of the library's opinion that this site is too small for their use.

Dayton Development Company would like to delay any decision on the vacation of 69½ Street until such time as we are able to finalize plans on the "library" site.

Yours truly,

Johathan Abbott

JA:1y Att.

### DAYTON DEVELOPMENT COMPANY

534 Roanoke Building, 109 So. 7th St., Minneapolis, Minn. 55402, Phone 339-3611

August 5, 1968

Village of Edina 4801 W. 50th Street Edina, Minnesota 55424

Re: Proposed street vacation of West 692 Street

#### Gentlemen:

The Dayton Development Company opposes at this time the proposed street vacation of West 69½ Street from France Avenue to the east lot line of lot one, Replat of Lot 2, Block 1, South Office Park 1st Addition. Our interest in this matter stems from:

- 1) The right of reversion of said Lot 1 in the event the County does not build a library.
- 2) Our right of first refusal on the sale of the "Hoben" property and the Metropolitan Life property.
- 3) Our recorded right to approve exterior changes on the ."Hoben" property and Metropolitan Life property, and
- 4) Our interest in overall development of the area.

We feel that until library plans are finalized, it will not be known how critical this access will be to that development. In the event this property reverts to us, it will be impossible to determine at this time the importance of this access to any other development that we might plan.

There is presently an easement over the European Health Spa property for the benefit of the "Hoben" property which is to be released if a median cut is constructed in France Avenue for access to 69½ Street. The vacation of 69½ Street reduces substantially the likelihood that the European Health Spa will ever be relieved of the burden of this easement.

It appears that one reason for the request for the vacation of 69½ Street stems from the parking problem on the "Hoben" property, which would be somewhat relieved by additional parking provided on the vacated street. This problem is self-made and according to our calculations, the parking ratio on the "Hoben" property is close to one car per 400 square feet of gross building area. The best solution for this parking problem, as well as the Health Club's parking problem, may best be solved by an overall plan including the library site. This is a possibility that the commissioned library architects will study.

In the meantime, however, we feel that the vacation of  $69\frac{1}{2}$  Street is premature, although further study may justify such vacation.

Very truly yours,

Jonathan Abbott

DAYTON DEVELOPMENT COMPANY

molan Whit

JA:1y

#### DORSEY, MARQUART, WINDHORST, WEST & HALLADAY

" JAMES E. DORSEY (1889-1959) DONALD WEST WALDO F. MARQUART JOHN W. WINDHORST HENRY HALLADAY JULE M. HANNAFORD ARTHUR B. WHITNEY RUSSELL W.LINDQUIST HORACE HITCH VIRGIL H.HILL ROBERT V. TARBOX DEFOREST SPENCER PORFRY J. JOHNSON M.B. HASSELOUIST PETER DORSEY GEORGE P.FLANNERY CURTIS L.ROY ARTHUR E.WEISBERG

59)
DUANE E. JOSEPH
FREDERICK E. LANGE
JAMES B. VESSEY
WILLIAM A. WHITLOCK
E. J. SCHWARTZBAUER
THOMAS M. BROWN
CORNELIUS D. MAHONEY
THOMAS S. ERICKSON
MICHAEL E. BRESS
PAUL G. ZERBY
AYMOND A. REISTER
JOHN J. TAYLOR
BERNARD G. HEINZEN
WILLIAM J. HEMPEL
JOHN S. HIBBS
ROBERT O. FLOTTEN
JOHN D. LEVINE
ROBERT D. FLOTTEN
JOHN D. LEVINE
ROBERT D. STRUYK

#### LAW OFFICES

# 2400 FIRST NATIONAL BANK BUILDING MINNEAPOLIS, MINNESOTA 55402

TELEPHONE: 333-2151

AREA CODE: 612

CABLE ADDRESS: DOROW

HICHAEL A. OLSON
LARRY W. JOHNSON
THOMAS S. HAY
CURTIS D. FORSLUND
G LARRY GRIFFITH
CRAIG A. BECK
DAVID L. MCCUSKEY
THOMAS O. MOE
JAMES H. OYNAGAN
JOHN M. MASON
MICHAEL W. WRIGHT
LARRY L. VICKREY
LOREN R. KNOTT
PHILLIP H. MARTIN
JOHN J. HELD, JR.
REESE C. JOHNSON
JAMES T. HALVERSON
CHARLES J. HAUVERSON

CHARLES A. GEER
JOHN C. ZWAKMAN
JOHN R. WICKS
EUGENE L. JOHNSON
ROBERT O. KNUTSON
JOHN W. WINDHORST, JR.
MICHAEL PRICHARD
RICHARD G. SWANSON
RICHARD W. DUFOUR, JR.
FAITH L. OHMAN
DAVID A. RANHEIM
ROBERT J. SILVERNAN

OF COUNSEL
DAVID E. BRONSON
HUGH H.BARBER
LELAND W. SCOTT
LEAVITT R. BARKER

July 23, 1969

Mr. Robert C. Dunn Village of Edina 4801 West 50th Street Edina, Minnesota

Re: West 69-1/2 Street

Dear Bob:

I enclose, herewith, four copies of revised agreement between the Village and France Avenue Development and Nicollet-Minneapolis Inc. relating to the use and improvement of West 69-1/2 Street, west of France Avenue. Attached to each agreement is a copy of Exhibit "A" and Exhibit "B" referred to in the agreement.

I have reviewed this agreement and the revisions from the prior agreement briefly with Art Weisberg, the attorney for France Avenue Development Corporation. He has agreed with the general thought expressed in the revisions thereof. He has not had an opportunity to review the exact language contained in the enclosed agreement. I will leave a copy of this agreement with him for his review upon his return. He is presently out of the city. Please review the enclosed and advise me if you have any questions.

I am also, since Art is out of the city, sending a copy of this agreement to Mr. James Hoben for his review and comments also.

Unless all parties do not agree, the agreement can be signed. I would suggest that four copies be signed so that each party may have a signed copy and we may have a signed copy in our file.

Very truly yours,

Thomas S. Erickson

TSE:mk Enc.

cc: Mr. James Hoben
France Avenue Development Corp.
7515 Wayzata Boulevard
Minneapolis, Minnesota 55426

\_\_/

Super se de d AGREEMENT

THIS AGREEMENT, Made and entered into this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_,

1969 by and between the VILLAGE OF EDINA, a Minnesota municipal corporation,
party of the first part (hereinafter sometimes called "Village"), FRANCE

AVENUE DEVELOPMENT CORPORATION, a Minnesota corporation (hereinafter sometimes called "Development Corporation") and NICOLLET MINNEAPOLIS, INC.,

a Minnesota corporation, (hereinafter sometimes called "Nicollet"), parties

of the second part, and

WHEREAS, Development Corporation is the owner of certain property situate in the Village of Edina, County of Hennepin, State of Minnesota, described as follows, to-wit:

All of Lot 2, Block 1, Replat of Lot 2, Block 1, South Office Park First Addition, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said Hennepin County, except that part of said Lot 2 lying West of the following described line: Commencing at the Southwest corner of Lot 1, Block 1, said Addition; thence Easterly along the South line of said Lot 1 a distance of 372.89 feet to a corner of said Lot 1, which corner is the actual point of beginning of the line to be described; thence Southerly to the Northwest corner of Lot 3, Block 1, said Addition, and there terminating, and shown outlined in red on the survey attached hereto as Exhibit A and hereby made a part hereof, (hereinafter called "Development Corporation Tract"); and

WHEREAS, Nicollet is the owner of the following described property situate in the Village of Edina, County of Hennepin, State of Minnesota, to-wit:

Lot 1, Block 1, South Office Park First Addition, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for Hennepin County, Minnesota, and shown outlined in green on said Exhibit A (hereinafter called "Nicollet Tract"); and

WHEREAS, there has been dedicated to the Village for public street purposes, by the said plat of South Office Park First Addition, a certain tract of land shown upon said plat and commonly known as West 69-1/2 Street, which extends Westerly from its intersection with France Avenue South for a distance of 155 feet, and which lies between and abuts the Development

Corporation Tract and the Nicollet Tract, and is outlined in black on said Exhibit A (hereinafter called the "Street Tract"); and

WHEREAS, the parties hereto have reached an agreement with respect to the use of the Street Tract and by these presents seek to reduce the same to writing.

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- 1. Parties of the second part do hereby agree to lay out, improve and blacktop the Street Tract at their sole cost and expense substantially in accordance with the drawings attached hereto marked Exhibit B and hereby made a part hereof as fully as though set forth herein.
- 2. The Village shall have and has no obligation or liability of any kind to maintain or repair (including snow removal) the Street Tract during the existence of this Agreement, but parties of the second part shall, and they hereby agree to, maintain and repair (including snow removal) the Street Tract, at their sole cost and expense, during the existence of this Agreement.
- 3. Nothing herein contained shall permit or be construed to permit parties of the second part to block, stop or interfere with (other than such interference as may be necessary due to improvements and repairs made to the Street Tract pursuant hereto) public passage over and across the Street Tract in an East and West direction and along the 24 foot wide corridor shown on said Exhibit B, and the parties of the second part hereby agree to permit the public to pass and repass at all times during the existence of this Agreement over and across the Street Tract for its full length and along said 24 foot corridor shown on said Exhibit B.
- 4. The parties hereto do hereby agree that upon ninety (90) days written notice by any party hereto to the others, this Agreement will terminate and parties of the second part will abandon their improvements and their use of the Street Tract and will surrender and deliver up possession of the Street Tract to the Village; provided, however, that no such notice shall

be given by the Village prior to July 1, 1971, unless given pursuant to paragraph 7 hereof.

- 5. Parties of the second part do hereby waive all rights, claims, and causes of action against the Village which they may now have, or hereafter acquire, by reason of the Village proceeding with the arrangement contemplated by this Agreement, and the said parties of the seond part hereby agree to indemnify and hold harmless the Village against any claims, damages, costs or expenses, including attorney's fees, arising out of any claims by third parties concerning the propriety or legality of the Village entering or proceeding with the arrangements contemplated by this Agreement or arising out of any damage to persons or property occurring on or about said Street Tract during the existence of this Agreement.
- 6. Upon termination of this Agreement and upon improvement for public street purposes by the Village of said Street Tract, the Village will assess the cost of such improvements in the manner then used by the Village, provided, however, that if the cost of such improvements for public street purposes exceeds what the cost would have been had no work been done on or improvements made to the Street Tract by parties of the second part pursuant hereto, then such excess costs shall be paid, upon demand by the Village, one-half (1/2) by Development Corporation and one-half (1/2) by Nicollet. Such excess costs, if any, shall be determined by the Village, in its sole and reasonable opinion. If said excess costs as determined by the Village are not paid upon demand, the Village may recover the same, plus interest at the rate of 8% per annum and all costs of collection including reasonable attorney's fees, by such legal remedies as are then available to it, or it may assess such excess costs, against the Nicollet Tract and the Development Corporation Tract, one-half to each (or, if one party pays, the non-paying party only shall be assessed for the whole of its one-half), and such assessment shall be payable, with interest, with and in the same manner as other assessments against said tracts. The Village shall have no liability or responsibility to parties of the second part for damage or injury to the improvements made to or placed upon the Street Tract by them, or either of them,

caused by Village in improving the Street Tract for public street purposes, and all claims hereafter claimed or held by parties of the second part, or either of them, for any damage or injury are hereby waived and released.

- 7. In the event parties of the second part fail or refuse to perform any covenant or provision hereof to be by them performed, and such failure or refusal shall continue for a period of thirty (30) days after written notice thereof from the Village to parties of the second part, then the Village, at its option, may (1) perform such covenant or provision and the costs thereof, including reasonable attorney's fees and interest thereon at 8% per annum, shall be paid by parties of the second part, one-half by each, to the Village, on demand, and if not so paid, such costs to be paid by the non-paying party, may be recovered by the Village by such legal remedies as are then available to it, or the Village may assess such costs to be paid by the non-paying party against the property of the non-paying party, such assessment and payment thereof to be in the manner set out in paragraph 6 hereof, or (ii) may terminate this agreement by notice given pursuant to paragraph 4 hereof, even though it be prior to July 1, 1971.
- 8. This agreement shall be binding on and inure to the benefit of the parties hereto, and their respective successors and assigns, and the provisions hereof shall be deemed covenants running with the land and binding upon all and future owners and encumbrances of the Development Corporation Tract and Nicollet Tract.
- 9. Whenever in this Agreement it shall be required or permitted that notice or demand be given or served by any party to this Agreement to or on the others, such notice or demand shall be given or served and shall not be deemed to have been duly given or served unless in writing and forwarded, by registered or certified mail, postage prepaid, addressed as follows:

If to Village at:

5801 West 50th Street Edina, Minnesota

If to Development
Corporation at:

If to Nicollet at:

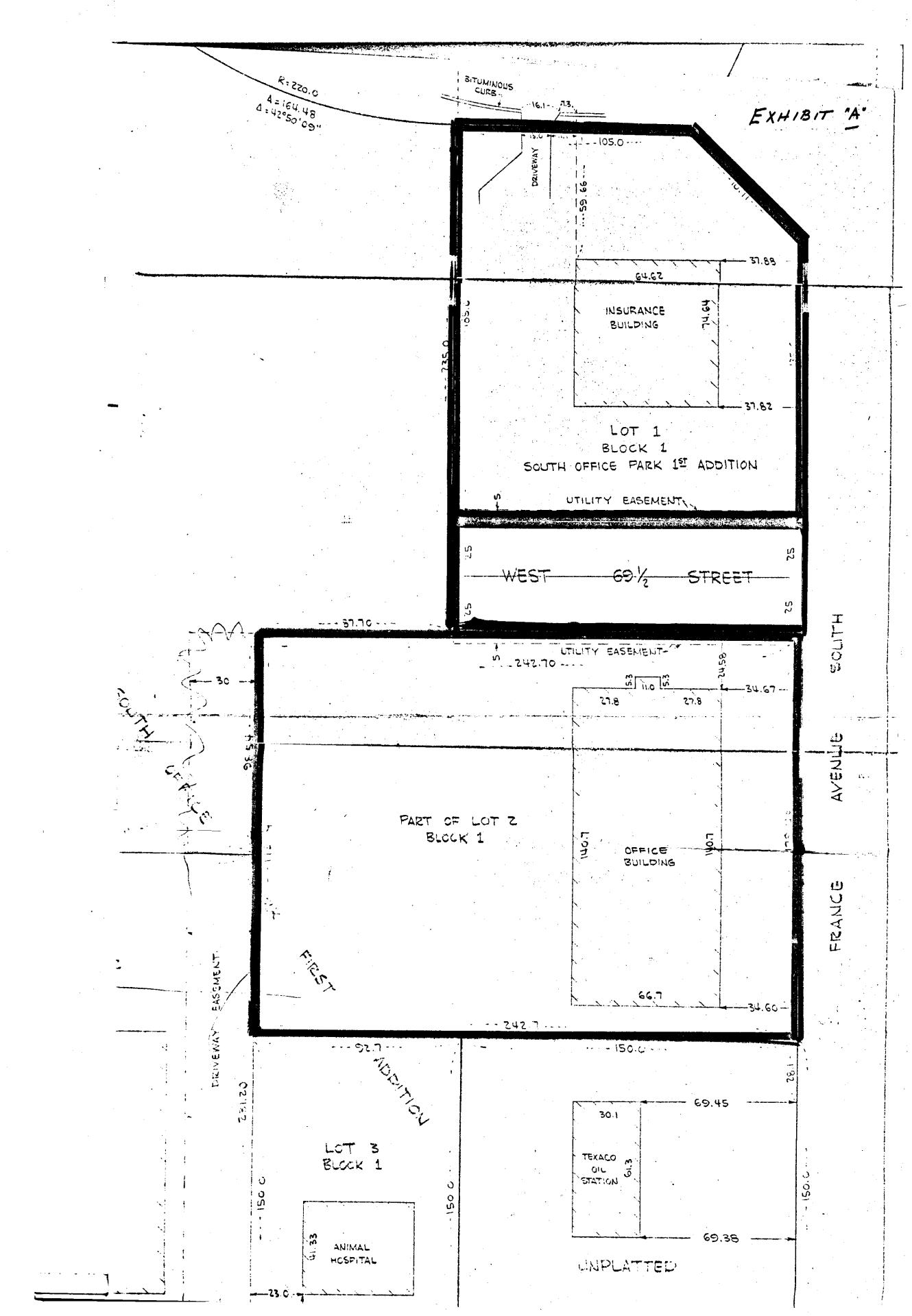
Such notices or demands shall be deemed given and served when deposited in the mail so addressed and forwarded. Any party may change its address from time to time by serving notice in the manner above provided.

IN TESTIMONY WHEREOF, The said parties have caused these presents to be executed the day and year first above written.

IN PRESENCE OF:	VILLAGE OF EDINA
	, D
	ByIts Manager
	AndIts Clerk
•	TIS CIEIR
	FRANCE AVENUE DEVELOPMENT CORPORATION
•	
	ByTts
·	Its
	And
	And
	NICOLLET MINNEAPOLIS, INC.,
	Ву
	Its
	And
	Its
STATE OF MINNESOTA) ) ss.	
COUNTY OF HENNEPIN)	
within and for said County, personally, to me personally, to me personally, and in the formunicipal corporation named in the formunicipal corporation named in the contion; that said instrument was signed corporation by authority of its	nally known, who being each by me duly vely the Manager and the Clerk of the

STATE OF MINNESULA)
) ss. COUNTY OF HENNEPIN)
On this day of, 1969, before me, a Notary  Public, within and for said County, personally appeared and, to me personally known, who, being each by me duly sworn, did say that they are respectively the and of France Avenue Development Corporation, one of
the corporations named in the foregoing instrument; that the seal affixed to said instrument is the corporate seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its; and said and and acknowledged said instrument to be the free
act and deed of said corporation.
· •
STATE OF MINNESOTA) ) ss. COUNTY OF HENNEPIN)
On this day of, 1969, before me, a Notary Public, within and for said County, personally appeared and, to me personally known, who, being each by me duly sworn, did say that they are respectively the and
of Nicollet Minneapolis, Inc., one of the corporations named in the fore- going instrument; that the seal affixed to said instrument is the corporate seal of said corporation; that said instrument was signed and sealed on be-
half of said corporation by authority of its; and
said and acknowledged said instrument to be the free act and deed of said corporation.
- -

0.95° 1 a 4.92 87-1-5 HOBEN PROPERTIES SOUTHDALE .55 EUNITH BONATT 0262 PROPOSED PARKING EXTENSION



# SPEED LETTER ®

To Tom Erickson	FROM	B06	Dunn	
$D, M, W, W \neq$				
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SUBJECT W. 69 1/2 5	7 - Wa	st of	France	4.0
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GrayLine "SNAP-A-WAY" FORM 44-902 3-PART

WILSON JONES COMPANY . (1961 PRINTED IN U.S.A.

SAINT LOUIS MISSOURI

### SYMSACK Development Corp.



GENERAL CONTRACTORS

4681 HAMPTON AVE.

ST. LOUIS 9, MO.

September 7, 1966



INVESTORS

Mr. R. D. Martinson,
Dayton Development Company
4005 West 65th Street
Edina, Minnesota

Dear Mr. Martinson:

We are enclosing the petition for grading and graveling of W. 69-1/2 Street at France Avenue South. It is our understanding, from Mr. Sandin of the A. A. Hardy Construction Company, that this petition was to be signed in our office and returned to you for presentation to the proper officials. We shall appreciate your attention to the matter. From Mr. George Hite of the Village of Edina, we have received information that we will receive notification of the outcome of the anticipated hearing regarding same.

We are most interested in securing a cut in the proposed median in France Avenue South, to West 69-1/2 Street, for an access to, our building and shall appreciate any efforts you make in our behalf. We feel certain that this would be what you would like to ultimately achieve for your own purpose also.

Very truly yours,

SYMSACK DEVELOPMENT, INC.

(Mrs.) Virginia L. Osterloh, Administrative Coordinator

VLO/hmb

CC to Mr. Robert Sandin

2-5. Sandin -

Contraction & ILFA

The sall with

SAINT LOUIS MISSOURI



# SYMSACK Development Corp.

GENERAL CONTRACTORS
4651 HAMPTON AVE. ST. LOUIS 9, MO.

DEVELOPERS INVESTORS

August 3, 1966

Mr. George C. Hite, Assistant Village Manager Director of Public Works and Engineering Village of Edina 4801 West Fiftieth Street Edina, Minnesota

RE: Nicollet Minneapolis, Inc. 6900 France Avenue, South Edina, Minnesota

Dear Mr. Hite:

We have received in our office the petition on which our signature has been requested for the grade and graveling of the proposed street known as West 69½ Street, and which will bounder on the south line of the property we now own in your City.

We would like to have from your office an estimated breakdown of costs for the filling of this street and the surfacing of same, including curb, gutter, etc. What would be the cost of the dirt for fill to bring the grade up to the required level? We have in our files a figure of a cost of approximately \$9,000.00 for the work, but have more current information that due to dirt being available to the city at this time at a fraction of the cost at the time the \$9,000.00 estimate was prepared, that certainly this estimate would be greatly reduced at this time.

During the month of May, 1966, Mr. Richard Fredlund, Planning Director, talked with our representative, Mr. Howard Smith, at which time he told us approximately \$5,600.00 was included for fill in an overall figure of approximately \$10,000.00.

(Continued)

We will want to negotiate the possible relocation of the entrance from West  $69\frac{1}{2}$  Street to our property prior to the actual construction.

May we have your comments as to the time element involved in making our decision in these matters.

Yours very truly,

SYMSACK DEVELOPMENT, INC.

Virginia Losterloh

(Mrs.) Virginia L. Osterloh Administrative Coordinator

VLO:mjb

7.72.66

DATED

## PETITION FOR GRADING AND GRAVELING.

	•	•	
	TO THE HONORABLE COUNCIL OF THE VI	LLAGE OF EDINA:	
	The undersigned being owners abutting on the following streets:  \( \text{\text{\$U\$}. 69\fmu \text{\$5\$}} \)  between b	in said village:  n <u>Hance</u> Ave S.  n	rontage of the real property  Lot! of Block!, Replit of  and Sot 2 Block! of South;  and Office Pack. 12 Addition  and  and  and  and
	GRADE AND GRAVELLING, and that the property, as authorized by Chapter	cost of said improvement 398, Laws of Minnesotz,	roved by PUTTING SAME TO PERMANENT be assessed against abutting 1953, as amended.  DESCRIPTION OF PROPERTY
	SIGNATURE OF OWNERS	4005 W. 65 H. S.	A Lot 2, Block 1
· ·	By RS Marlin	4003 W. 65 - A.	Keplot of Lot 2 Block
			· I of South Office Pack
			1st addition
i	Heich Cet Main Enpoles Les	•	•
9.	Jennerd Skyclopmen har	,	Pot & Block #1
10 4	A6.51 Hamitoliave		South office (Part)
<b>\</b>	At Lacios Missourie 6310	7	1st allitari
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4 4			

### VILLAGE OF EDINA 4801 W. SOTH STREET EDINA, MINNESOTA 55424

# NOTICE OF PUBLIC HEARING ON STREET VACATION WEST 69% STREET

EDINA VILLAGE COUNCIL will meet Monday, August 5, 1968, at 7:00 p.m. in the Edine Village Hall, 4801 W. 50th Street, and will at said place and time consider the following street vacation:

West 69% Street from France Avenue to the East line of Lot 1, Replat of Lot 2, Block 1, South Office Park 1st Addition

All objections and recommendations will be heard at said Meeting.
BY ORDER OF THE VILLAGE COUNCIL.

FLORENCE B. HALLBERG Village Clerk

July 19, 1963

April 28, 1969

Mrs. Virginia L. Osterloh Administrative Coordinator Symsack Development, Inc. 4651 Hampton Ave. St. Louis, No. 63109

Dear Mrs. Osterloh:

In reply to your letter of April 24, 1969, this is to edvise you that the vacation of West 69½ Street was continued for another ninety days in view of the fact that there have been no new developments.

The matter will be on the agenda of July 21, 1969.

Yours very truly,

Village Clerk

£bh

SAINT LOUIS MISSOURI

# SYMSACK Development Inc.



#### GENERAL CONTRACTORS

4651 HAMPTON AVE.

ST. LOUIS, MO. 63109

April 24, 1969

DEVELOPERS INVESTORS

Miss Florence B. Hallberg, Village Clerk, Village of Edina, 4801 West Fiftieth Street, Edina, Minnesota 55424.

Dear Miss Hallberg:

We would appreciate your cooperation in supplying us with up-to-date information, since your January 30, 1969 letter, with regard to vacation of West 69-1/2 Street in Edina, Minn.

Sincerely yours,

SYMSACK DEVELOPMENT, Inc.,

(Mrs.) Virginia L. Osterloh, Administrative Coordinator.

VLO/mew

SAINT LOUIS MISSOURI

### SYMSACE Development Inc.



#### GENERAL CONTRACTORS

4651 HAMPTON AVE.

ST. LOUIS, MO. 63109

January 27, 1969

DEVELOPERS INVESTORS

Miss Florence B. Hallberg, Village Clerk Village of Edina 4801 West 50th Street Edina, Minnesota 55424

RE: Public Hearing on Street Vacation West 69-1/2 Street

Dear Miss Hallberg:

We would appreciate hearing from you as to what transpired at the Edina Village Council Meeting of January 20, 1969, relative to the vacation of West 69-1/2 Street.

Yours very truly,

SYMSACK DEVELOPMENT, INC.

(Mrs.) Virginia L. Osterloh, Administrative Coordinator

VLO/hmb

January 20, 1969

Nes. Virginia L. Oscerloh Administrative Goordinator Sympaci: Tavelopment, Inc. 4651 Harpton Ava. St. Louis, No. 63109

Dang Nes. Ostawloh:

In response to your request for information as to action taken by Council at its nesting of January 20, 1960, relative to the vacation of West 50 1/2 Street, I enclose herewith a copy of the unapproved Himses of January 20.

If you have any further question, please contact me.

Yours very traky,

Village Clerk

fbh

enclosure





### NORTHWESTERN BELL TELEPHONE COMPANY

IOWA-MINNESOTA-NEBRASKA-NORTH DAKOTA-SOUTH DAKOTA

5532 County Road 18 Hopkins, Minnesota 55343 January 23, 1969'

Florence B. Hallberg Village Clerk Village of Edina 4801 West 50th Street Edina, Minnesota 55424

Re: Easement on West 69 Street To be Vacated, Edina, Minnesota

Dear Mrs. Hallberg:

We are sending you, here with, executed copy of easement negotiated with the France Avenue Development Corporation to Northwestern Bell Telephone Company on West 69 Street.

Please be advised that with execution of the easement we have no objection to vacating West 69½ Street.

Thank you for your consideration in this matter.

Yours truly,

District Engineer

Attach.

#### EASEMENT

THIS INDENTURE, Made this 13th day of forces 1969, between France Avenue Development Corporation corporation, "Grantor", and NORTHWESTERN BELL TELEPHONE COMPANY, an Iowa corporation, "Grantee":

WITNESSETH: That Grantor in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby grant to said Grantee, its successors and assigns, forever, the right to construct, operate, inspect, maintain, repair, alter or remove a communications system consisting of buried telephone cables and appurtenances under and across the following described parcel of land situated in Hennepin County, Minnesota, to vit:

> The south 5 feet of vacated West 69 Street, described as follows: A strip of land 5 feet in width described as beginning at the northeast corner of lot 2, replat of lot 2, block 1, South Office Park First Addition, thence west a distance of 155', thence north a distance of 5' along the east line of lot 1 of said replat, thence east a distance of 155', thence south a distance of 5' to the point of beginning and there terminating for the purpose of this description.

together with the right of access to Grantee upon the above premises for the purposes above set forth.

IN TESTIMONY WHEREOF, The Grantor has caused these presents to be executed the day and year first above written.

In Presence Of

France Avenue Development Corporation

And

(Official Publication)
VILLAGE OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 5544
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 691-STREET
EDINA VILLAGE COUNCIL will meet
Monday, January 20, 1969, at 7:00 p.m. in
the Edina Village Hall, 4801 W. 50th Street,
and will at said place and time consider the
following street vacation:
West 691-s Street from France Avenue to
the East line of Lot 1, Replat of Lot 2,
Block 1, South Office Park 1st Addition
All objections and recommendations will
be heard at said Meeting.
BY ORDER OF THE VILLAGE COUNCIL
FLORENCE B. HALLBERG
Village Clerk
(Jan. 2 & 9, 1969)—EC-2A-10C

(Official Publication)
VILLAGE OF EDINA
4801 W. STH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 8912 STREET
EDINA VILLAGE COUNCIL will meet
Monday, January 20, 1969, at 7:00 p.m. in
the Edina Village Hall, 4801 W. 50th Street,
and will at said place and time consider the
following street vacation:
West 6912 Street from France Avenue to
the East line of Lot 1, Replat of Lot 2,
Block 1, South Office Park Ist Addition
All objections and recommendations will
be heard at said Meeting.
BY ORDER OF THE VILLAGE COUNCIL.
FLORENCE B. HALLBERG
(Jan. 2 & 9, 1969)—EC-2A-10C

(Official Publication)
VILLAGE OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 6912 STREET
EDINA VILLAGE COUNCIL will meet
Monday. January 20, 1969, at 7:00 p.m. in
the Edina Village Hall, 4801 W. 50th Street,
and will at said place and time consider the
following street vacation:
West 6912 Street from France Avenue to
the East line of Lot 1, Replat of Lot 2,
Block 1, South Office Park 1st Addition
All objections and recommendations will
be heard at said Meeting.
BY ORDER OF THE VILLAGE COUNCIL
FLORENCE B. HALLBERG
(Jan. 2 & 9, 1969)—EC-2A-10C

Official Publication)
VILLAGE OF EDINA
4801 W. SØTH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 69's STREET
EDINA VILLAGE COUNCIL will meet
Monday, January 20, 1969, at 7:00 p.m. in
the Edina Village Hall, 4801 W. 50th Street,
and will at said place and time consider the
following street vacation:
West 69's Street from France Avenue to
the East line of Lot 1. Replat of Lot 2,
Block 1. South Office Park 1st Addition
All objections and recommendations will
be heard at said Meeting.
BY ORDER OF THE VILLAGE COUNCIL
FLORENCE B. HALLBERG
Village Clerk
(Jan. 2 & 9, 1969)—EC-2A-10C

(Official Publication)
VILLAGE OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 691-STREET
EDINA VILLAGE COUNCIL will meet
Monday. January 20, 1969, at 7:00 p.m. in
the Edina Village Hall, 4801 W. 50th Street,
and will at said place and time consider the
following street vacation:
West 691-s Street from France Avenue to
the East line of Lot 1. Replat of Lot 2.
Block 1. South Office Park 1st Addition
All objections and recommendations will
be heard at said Meeting.
BY ORDER OF THE VILLAGE COUNCIL.
FLORENCE B. HALLBERG
Village Clerk
(Jan. 2 & 9, 1969)—EC-2A-10C

Official Publication)
VILLAGE OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 6912 STREET
EDINA VILLAGE COUNCIL will meet.
Monday. January 20, 1959, at 7:00 p.m. in
the Edina Village Hall, 4801 W. 50th Street,
and will at said place and time consider the
following street vacation:
West 6912 Street from France Avenue to
the East line of Lot 1, Replat of Lot 2,
Block 1, South Office Park 1st Addition
All objections and recommendations will
be heard at said Meeting.
BY ORDER OF THE VILLAGE COUNCIL
FLORENCE B. HALLBERG
Village Clerk
(Jan. 2 & 9, 1969)—EC-2A-10C

(Jan. 2 & 9, 1969)--EC-2A-10C

Official Publication)
VILLAGE OF EDINA
4801 W. 59TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 691-STREET
EDINA VILLAGE COUNCIL. will meet
Monday. January 20, 1969, at 7:00 p.m. in
the Edina Village Hall, 4801 W. 50th Street,
and will at said place and time consider the
following street vacation:
West 691-Street from France Avenue to
the East line of Lot 1. Replat of Lot 2.
Block 1. South Office Park 1st Addition
All objections and recommendations will
be heard at said Meeting.
BY ORDER OF THE VILLAGE COUNCIL.
FLORENCE B. HALLBERG
Village Clerk

(Official Publication)
VILLAGE OF EDINA
4801 W. STH STREET
EDINA, MINNESOTA 5542
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 691-STREET
EDINA VILLAGE COUNCIL will meet
Monday, January 20, 1969, at 7:00 p.m. in
the Edina Village Hall, 4801 W. 50th Street,
and will at said place and time consider the
following street vacation:
West 691- Street from France Avenue to
the East line of Lot 1, Replat of Lot 2,
Block 1, South Office Park 1st Addition
All objections and recommendations will
be heard at said Meeting.
BY ORDER OF THE VILLAGE COUNCIL.
FLORENCE B. HALLBERG
(Jan. 2 & 9, 1969)—EC-2A-10C

Official Publication)
VILLAGE OF EDINA
4891 W. SOHT STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 6912 STREET
EDINA VILLAGE COUNCIL will meet
Monday, January 20, 1969, at 7:00 p.m. in
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and will at said place and time consider the
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West 6912 Street from France Avenue to
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All objections and recommendations will
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BY ORDER OF THE VILLAGE COUNCIL.
FLORENCE B. HALLBERG

(Official Publication)
VILLAGE OF EDINA
4801 W. SOTH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ONSTREET VACATION
WEST 691-STREET
EDINA VILLAGE COUNCIL will meet
Monday. January 20, 1969, at 7:00 p.m. in
the Edina Village Hall, 4801 W. Soth Street,
and will at said place and time consider the
following street vacation:
West 691-Street from France Avenue to
the East line of Lot 1, Replat of Lot 2,
Block 1, South Office Park 1st Addition
All objections and recommendations will
be heard at said Meeting.
BY ORDER OF THE VILLAGE COUNCIL.
FLORENCE B. HALLBERG
Village Clerk
(Jan. 2 & 9, 1969)—EC-2A-10C

# SUN NEWSPAPERS AFFIDAVIT OF PUBLICATION

## EDINA SUN

6601 W. 78th St.

Bloomington, Minnesota

(Jan. 2 & 9, 1969)—EC-2A-10C

State of Minnesota

County of Hennepin

SS.

W, JOHN BERTRAM, being duly sworn, on oath says he is and during all times here stated has been the vice president and printer of the newspaper known as The Edina Sun and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a weekly and is distributed at least once each week. (3) Said newspaper has 50% of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisements. (4) Said newspaper is circulated in and near the municipality which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75% of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office. (5) Said newspaper purports to serve the City of Edina in the County of Hennepin and it has its known office of issue in the City of Bloomington in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the managing officer or persons in its employ and subject to his direction and control during all such regular business hours and devoted exclusively during such regular business hours to the business of the newspaper and business related thereto. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper has complied with all the foregoing conditions for at least two years preceding the day or dates of publication mentioned below. (8) Said newspaper has filed with the Secretary of State and signed by the publisher of said newspaper and sworn to before a notary public stating that the newspaper is a legal newspaper.

He further states on oath that the printed hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language, once each week, for 2 successive weeks; that it was first so published on Thurs. the 2 day of Jan. 19 69 and was thereafter printed and published on every Thurs. to and including Thurs. the 19 day of Jan. 19 69 and that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit:

| Additional Composition of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit:

| Additional Composition of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit:

| Additional Composition of the composition of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit:

| Additional Composition of the composition of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the lower case alphabet from A to Z, both inclusive, and is he

My Commission Expires November 8, 1971

### SUN NEWSPAPERS AFFIDAVIT OF PUBLICATION

## EDINA SUN

6601 W. 78th St.

Bloomington, Minnesota

State of Minnesota County of Hennepin

SS.

W, JOHN BERTRAM, being duly sworn, on oath says he is and during all times here stated has been the vice president and printer of the newspaper known as The Edina Sun and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a weekly and is distributed at least once each week. (3) Said newspaper has 50% of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisements. (4) Said newspaper is circulated in and near the municipality which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75% of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office. (5) Said newspaper purports to serve the City of Edina in the County of Hennepin and it has its known office of issue in the City of Bloomington in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the managing officer or persons in its employ and subject to his direction and control during all such regular business hours and devoted exclusively during such regular business hours to the business of the newspaper and business related thereto. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper has complied with all the foregoing conditions for at least two years preceding the day or dates of publication mentioned below. (8) Said newspaper has filed with the Secretary of State and signed by the publisher of said newspaper and sworn to before a notary public stating that the newspaper is a legal newspaper.

He further states on oath that the printed NOTICE OF PUBLIC HEARING hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language, once each week, for ... 2... successive weeks; that it was first so published on Thurs. the 2 day of Jan. 19 69 

Thurs. the . 9... day of . Jan. 19 69 and that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit: abcdefghijklmnopgrstuvwxyz

abcdefghijklmnopqrstuvwxy

(Notarial Seal)

My Commission Expires November 8, 1971

534 Roanoke Building, 109 So. 7th St., Minneapolis, Minn. 55402, Phone 339-3611

January 16, 1969

Mrs. Florence B. Hallberg The Village Hall 4801 W. 50th St. Edina, Minnesota

Re: Proposed street vacation of West 69½ Street

Dear Mrs. Hallberg:

Per our phone conversation earlier this week, I am enclosing eight (8) copies of a letter for the hearing on the vacation of West  $69\frac{1}{2}$  Street.

I plan to attend that hearing.

Yours truly,

Jonathan Abbott

JA:1y Enc1.

534 Roanoke Building, 109 So. 7th St., Minneapolis, Minn. 55402, Phone 339-3611

January 16, 1969

Village of Edina 4801 West 50th St. Edina, Minnesota 55424

Re: Proposed street vacation of West 692 Street

#### Gentlemen:

Attached is a copy of my letter dated August 5, 1968 outlining the Dayton Development Company's position in regard to the above street vacation.

Our position has not changed since that date and we still feel strongly that the vacation of 69½ Street is premature.

The only change in conditions since August 5th is that the probability now is greater that this land will revert to our company because of the library's opinion that this site is too small for their use.

Dayton Development Company would like to delay any decision on the vacation of  $69\frac{1}{2}$  Street until such time as we are able to finalize plans on the "library" site.

Yours truly,

.Tbnathan Abbott

JA:1y Att.

534 Roanoke Building, 109 So. 7th St., Minneapolis, Minn. 55402, Phone 339-3611

August 5, 1968

Village of Edina 4801 W. 50th Street Edina, Minnesota 55424

Re: Proposed street vacation of West 692 Street

#### Gentlemen:

The Dayton Development Company opposes at this time the proposed street vacation of West 69½ Street from France Avenue to the east lot line of lot one, Replat of Lot 2, Block 1, South Office Park 1st Addition. Our interest in this matter stems from:

1) The right of reversion of said Lot 1 in the event the County does not build a library.

2) Our right of first refusal on the sale of the "Hoben" property and the Metropolitan Life property.

3) Our recorded right to approve exterior changes on the ."Hoben" property and Metropolitan Life property, and

4) Our interest in overall development of the area.

We feel that until library plans are finalized, it will not be known how critical this access will be to that development. In the event this property reverts to us, it will be impossible to determine at this time the importance of this access to any other development that we might plan.

There is presently an easement over the European Health Spa property for the benefit of the "Hoben" property which is to be released if a median cut is constructed in France Avenue for access to 69½ Street. The vacation of 69½ Street reduces substantially the likelihood that the European Health Spa will ever be relieved of the burden of this easement.

It appears that one reason for the request for the vacation of  $69\frac{1}{2}$  Street stems from the parking problem on the "Hoben" property, which would be somewhat relieved by additional parking provided on the vacated street. This problem is self-made and according to our calculations, the parking ratio on the "Hoben" property is close to one car per 400 square feet of gross building area. The best solution for this parking problem, as well as the Health Club's parking problem, may best be solved by an overall plan including the library site. This is a possibility that the commissioned library architects will study.

In the meantime, however, we feel that the vacation of  $69\frac{1}{2}$  Street is premature, although further study may justify such vacation.

White order was to read the state of the

Very truly yours, notten Whit

Jonathan Abbott
DAYTON DEVELOPMENT COMPANY

JA:1y

STATE OF MINNESOTA ) COUNTY OF HENNEPIN ) VILLAGE OF EDINA )	CERTIFICATE OF MAILING NOTICE			
Village of Edina, Minnesota, hereby company of the United States mail copies of the STREET VACATION - W. 69-1/2 STREET	acting on behalf of said Village I deposited he attached NOTICE OF PUBLIC HEARING ON			
(Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date				
Name	Address			
WITNESS my hand and the seal of, 19 69 .	said Village this /o T day of			

Danne D. Lalley
Edina Village Clerk

VILLAGE OF EDINA 4901 W. 50th STREET EDINA. NUMBESOTA 55424

### MOTICE OF PUBLIC HEARING ON STREET VACATION WEST 69% STREET

EDINA VILLAGE COUNCIL will meet Monday, January 20, 1969, at 7:00 p.m. in the Edina Village Hell, 6501 W. 50th Street, and will at said place and time consider the following street vacation:

West 69% Street from France Avenue to the East line of Lot 1, Replat of Lot 2, Block 1, South Office Park lst Addition

All objections and recommendations will be heard at said Heating.

DE CEDER OF THE VILLAGE COUNTIL.

FLÓREGE B. HALLBERG Village Clerk

January 3, 1968 -

STATE OF MINNESOTA )	
COUNTY OF HENNEPIN ) SS.	CERTIFICATE OF MAILING NOTICE
VILLAGE OF EDINA )	
T the understand heins the du	ly qualified acting Village Clerk of the
	• •
Village of Edina, Minnesota, hereby ce	
	acting on behalf of said Village I deposited
in the United States mail copies of th	
NOTICE OF PUBLIC HEARING - 69½	
addressed to the persons at the addres attached to the original hereof, which being those appearing on the records o property listed opposite their respect prior to the date of the hearing; and	ive names, as of a date days that I also sent said notice to the following s whose property is exempt from taxation
Name	Address
ent collector and	See of first of the day of the see of the se
WITNESS my hand and the seal of	said Village this 19th day of

Olarence B. Hallherg Edina Village Clerk

#### VILLAGE OF EDINA 4801 W. SOTH STREET EDINA, MINNESOTA 55424

### NOTICE OF PUBLIC HEARING ON STREET VACATION WEST 69% STREET

EDINA VILLAGE COUNCIL will meet Monday, August 5, 1968, at 7:00 p.m. in the Edina Village Hall, 4801 W. 50th Street, and will at said place and time consider the following street vacation:

West 69% Street from France Avenue to the East line of Lot 1, Replat of Lot 2, Block 1, South Office Park 1st Addition

All objections and recommendations will be heard at said Meeting. BY ORDER OF THE VINLAGE COUNCIL.

FLORENCE D. HALLBERG Village Clerk

July 19, 1968

Mailing List - Notice of Public Hearing

Street Vacation - W.  $69\frac{1}{2}$  St. between France Ave. and Dead End

South Office Park - First Addition

Lot 1, Block 1,

Nicollet Minneapolis, Inc. c/o Symsack Development, Inc. 4651 Hampton Avenue

St. Louis, Mo.

.s, Mo. 63109

Replat of Lot 2, Block 1, South Office Rark 1st Addition

Lot 2, Block 1

France Avenue Development Corporation 7515 Wayzata Blvd.

Dayton Development Corporation, 76 S. 8th St.

Northern States Power Minneapolis Gas Co. N. W. Bell Telephone Co.

Mr. Stanley Cowle
Board of County Commissioners
Hennepin County Court House
Minneapolis, Minnesota

6950 France Ave. S.

6950 France Ave. S. Edina, Minn. 55435

Henr. Co. Library

#### VIIIAGE OF EDINA 4801 W. 50th STREET EDINA, MINNESOTA 55424

### NOTICE OF PUBLIC HEARING ON STREET VACATION VIEST 69% STREET

EDINA VILLAGE COUNCIL will meet Monday, January 20, 1969, at 7:00 p.m. in the Edina Village Hall, 4801 W. 50th Street, and will at said place and time consider the Edilowing street vacation:

Hest 69% Street from France Avenue to the East line of Lot 1, Replat of Lot 2, Block 1, South Office Park lot Addition

All objections and recommendations will be heard at said Heating. BY ORDER OF THE VILLAGE COUNTIL.

> FLORENCE B. HALLBEIG Village Clerk

Please publish in the Edina Courier January 2 and 9, 1969. Please send us two Affidavits of Publication. Please send us ten clippings.

#### PETITION TO VACATE STREET

	PEILLION TO VACALI	2 SIVEET
TO THE VILLAGE COUNC VILLAGE OF EDINA	IL OF	DATED July 1, 1968
abutting on the line from France Avenue that said portion of application are as f	e of 69 1/2 enue to Dead E said street be vacated. The	e facts and reasons for this
	g and discontinuing of said s	
SIGNATURE OF OWNERS	ADDRESS	DESCRIPTION OF PROPERTY
France aux	nue Development	oporation
is James (F)	Hohen President	$\nu$
	7515 Wayzata Blod.	69507 rance aucune
		-
		· · · · · · · · · · · · · · · · · · ·

This petition was circulated by \_\_\_\_\_ France Avenue Development Corporation

(Official Publication)
VILLAGE OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 6912 STREET
EDINA VILLAGE COUNCIL will
meet Monday, August 5, 1968, at
7:00 p.m. in the Edina Village Hall,
4801 W. 50th Street, and will at
said place and time consider the
following street vacation:
West 6912 Street from France
Avenue to the East line of Lot
1, Replat of Lot 2, Block 1,
South Office Park 1st Addition
All objections and recommendations will be heard at said Meeting.
BY ORDER OF THE VILLAGE
COUNCIL.
FLORENCE B. HALLBERG

COUNCIL.
FLORENCE B. HALLBERG
Village Clerk
(July 18 & 25, 1968)—EC-2A-10C

(Official Publication)
VILLAGE OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 6912 STREET
EDINA VILLAGE COUNCIL WILL
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7:00 p.m. in the consider the
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following street vacation:
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following street vacation:
Function of Lot 2, Block 1,
South Office Park 1st Addition
South Office Park 1st Addition
South Office Park 1st Addition
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BY ORDER OF THE VILLAGE
COUNCIL. BY ORDER OF COUNCIL. COUNCIL STREET B. HALLBERG Village Clerk (July 18 & 25, 1968)—EC-2A-10C

(Official Publication)
VILLAGE OF EDINA
4801 W. SOTH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON STREET VACATION
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All objections and recommendations will be heard at said Mecting.
BY ORDER OF THE VILLAGE
COUNCIL,
FLORENCE B: HALLBERG
Village Clerk
(July 18 & 25, 1968)—EC-2A-10C

(Official Publication)
VILLAGE OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
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WEST 6912 STREET
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BY ORDER OF THE VILLAGE
COUNCIL.
FLORENCE B. HALLBERG
Village Clerk
(July 18 & 25, 1968)—EC-2A-10C

(Official Publication)
VILLAGE OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
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Avenue to the East line of Lot
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South Office Park 1st Addition
All objections and recommendations will be heard at said Meeting.
BY ORDER OF THE VILLAGE
COUNCIL.

COUNCIL.
FLORENCE B. HALLBERG
Village Clerk
(July 18 & 25, 1968)—EC-2A-10C

(Official Publication)
VILLAGE OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 69½ STREET
EDINA VILLAGE COUNCIL will
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FLORENCE B. HALLBERG
Village Clerk
(July 18 & 25, 1968)—EC-2A-10C

(Official Publication)
VILLAGE OF EDINA
4801 W. 50TH STREET
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BY ORDER OF THE VILLAGE
COUNCIL.
FLORENCE B, HALLBERG
(July 18 & 25, 1968)—EC-2A-10C

(Official Publication)
VILLAGE OF EDINA
4801 W. 50TH STREET.
EDINA, MINNESOTA 5342
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 69½ STREET
EDINA VILLAGE COUNCIL will
meet Monday, August 5. 1968, at
7:00 p.m. in the Edina Village Hall,
4801 W. 50th Street, and will at
said place and time consider the
following street vacation:
West 69½ Street from France
Avenue to the East-line of Lot
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South Office Park 1st Addition
All objections and recommendations will be heard at said Meeting.
BY ORDER OF THE VILLAGE
COUNCIL.
FLORENCE B. HALLBERG
Village Clerk
(July 18 & 25, 1968)—EC-2A-10C

(Official Publication)
VILAGE OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
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BY ORDER OF THE VILLAGE
COUNCIL.
FLORENCE B. HALLBERG
(July 18 & 25, 1968)—EC-2A-10C

(Official Publication)
VILLAGE OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
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All objections and recommendations will be heard at said Meeting.
BY ORDER OF THE VILLAGE
COUNCIL.
FLORENCE B. HALLBERG
Village Clerk
(July 18 & 25, 1968)—EC-2A-10C

# SUN NEWSPAPERS AFFIDAVIT OF PUBLICATION

### Edina Sun

12 Suburban Square

Hopkins, Minnesota

(Official Publication)
VILLAGE OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 6912 STREET
EDINA VILLAGE COUNCIL will
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7:00 p.m. in the Edina Village Hall,
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South Office Park 1st Addition
All objections and recommendations will be heard at said Meeting.
BY ORDER OF THE VILLAGE
COUNCIL.
FLORENCE B. HALLBERG
Village Clerk
(July 18 & 25, 1968)—EC-2A-10C

State of Minnesota

County of Hennepin

SS.

W, JOHN BERTRAM, being duly sworn, on oath says he is and during all times here stated has been the vice president and printer of the newspaper known as The Edina Sun and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a weekly and is distributed at least once each week. (3) Said newspaper has 50% of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisements, (4) Said newspaper is circulated in and near the municipality which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75% of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office. (5) Said newspaper purports to serve the City of Edina in the County of Hennepin and it has its known office of issue in the City of Hopkins in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the managing officer or persons in its employ and subject to his direction and control during all such regular business hours and devoted exclusively during such regular business hours to the business of the newspaper and business related thereto. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper has complied with all the foregoing conditions for at least two years preceding the day or dates of publication mentioned below. (8) Said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966 and each January 1 thereafter an affidavit in the form prescribed by the Secretary of State and signed by the

He further states on oath that the printed hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language, once each week, for successive weeks; that it was first so published on the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit:

O l

Subscribed and sworn to before me this .

day of

.. 1968

(Notarial Seal)

Barbara Samuelson, Notary Public, Ramsey County, Minn.

My Commission Expires November 8, 1971



### Edina Sun

12 Suburban Square

Hopkins, Minnesota

(Official Publication)
VILLAGE OF EDINA
4801 W. 507H STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON STREET VACATION
WEST 6912 STREET
EDINA VILLAGE COUNCIL will
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West 6912 Street from France
Avenue to the East line of Lot 1, Replat of Lot 2, Block 1, South Office Park 1st Addition
All objections and recommendations will be heard at said Meeting.
BY ORDER OF THE VILLAGE
COUNCIL.
FLORENCE B. HALLBERG
Village Clerk
(July 18 & 25, 1968)—EC-2A-10C

State of Minnesota

County of Hennepin

SS.

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the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit:

Subscribed and sworn to before me this day of ....

(Notarial Seal)

Barbara Samuelson, Notary Public, Ramsey County, Minn.

My Commission Expires November 8, 1971

#### MINNEAPOLIS GAS COMPANY

MINNEAPOLIS, MINNESOTA 55402 July 25, 1968

Mrs Florence B Hallberg Edina Village Clerk 4801 West 50 Street Edina, Minnesota 55424

Dear Mrs Hallberg

Thank you for your notices of proposed street vacations. We have no installations and do not object to the vacation of the following streets:

- 1. Valley View Road westerly of the southerly extension of the most easterly line of Lot 1, Block 7, James A Roberts Estates; thence southwesterly to the northerly line of County Road No. 62.
- 2. West 69½ Street from France Avenue to the east line of Lot 1, Replat of Lot 2, Block 1, South Office Park 1st Addition.
- 3. West 65 Street between the west line of Sherwood Avenue and the east line of State Highway 100.

Sincerely

Warner P Blake.

Operations Planning Engineer

Warner P. Blake

WPB:kg

#### (Official Publication)

VILLAGE OF EDINA 4801 V. 50TH STREET EDINA, NIMMESOTA 55424

### NOTICE OF PUBLIC HEARING ON STREET VACATION UEST 691; STREET

EDINA VILLAGE COUNCIL will meet Monday, August 5, 1968, at 7:00 p.m. in the Edina Village Hall, 4801 W. 50th Street, and will at said place and time consider the Eollowing street vacation:

West 69% Street from France Avenue to the East line of Lot 1, Replat of Lot 2, Block 1, South Office Park 1st Addition

All objections and recommendations will be heard at said Meeting. BY ORDER OF THE VILLAGE COUNCIL.

> FLORENCE B. HALLBERG Village Clerk

Please publish in the Edina Courier on July 18 and 25, 1968. Please send us two Affidavits of Publication. Please send us ten clippings.

I, the undersigned duly appointed and acting Police Patrolman for the Village of Edina, County of Hennepin, State of Minnesota, do hereby certify that I have, this date, posted copies of the attached and foregoing NOTICE OF PUBLIC HEARING W. 69½ STREET VACATION on three official Village Bulletin Boards, as follows: 1. Village Hall, 4801 W. 50th Street 2. 50th and France Business Area (3922 W. 50th St.) 3. Amundson Avenue Shopping Center.

Dated 7-30-68 Signed Add C. Mary Police Patrolman

CERTIFICATE OF

POSTING NOTICE

Signed and sworn to before me, a Motary Public in and for Hennepin County, Minnesota, this, the 30 CL day of July 19 68.

SS

STATE OF MINNESOTA ) COUNTY OF HENNEPIN )

VILLAGE OF EDINA

STATE OF MINNESOTA COUNTY OF HENNEPIN VILLAGE OF EDINA	SS	CERTIFICATE OF POSTING NOTICE
of Edina, County of	Hennepin, State of	acting Police Patrolman for the Village Minnesota, do hereby certify that I attached and foregoing
	2. 50th and Fra	rds, as follows: 1. Village Hall, ance Business Area (3922 W. 50th St.)
Dated	·	igned
		Police Patrolman
Signed and sworn to in and for Hennepin day of	County, Minnesota,	this, the
		AND AND THE PROPERTY OF THE PR

#### NORTHERN STATES POWER COMPANY

July 30, 1968

Florence B. Hallberg Village Clerk Village of Edina 4801 West 50th Street Edina, Minnesota 55424

Dear Mrs. Hallberg:

This is to acknowledge receipt of a notice of public hearing on the proposed vacation of a portion of W. 692 St. which portion is described as follows:

West  $69\frac{1}{2}$  Street from France Avenue to the East line of Lot 1, Replat of Lot'2, Block 1, South Office Park 1st Addition.

Please be advised that we have no objection to this vacation. Thank you for your consideration in this matter.

Yours truly,

E.P. Robertson Distribution Superintendent Minneapolis Division

George C. Lewis

Senior Right of Way Agent

EPR/GCL/pr

534 Roanoke Building, 109 So. 7th St., Minneapolis, Minn. 55402, Phone 339-3611

August 5, 1968

Village of Edina 4801 W. 50th Street Edina, Minnesota 55424

Re: Proposed street vacation of West 69½ Street

#### Gentlemen:

The Dayton Development Company opposes at this time the proposed street vacation of West 69½ Street from France Avenue to the east lot line of lot one, Replat of Lot 2, Block 1, South Office Park 1st Addition. Our interest in this matter stems from:

- 1) The right of reversion of said Lot 1 in the event the County does not build a library.
- 2) Our right of first refusal on the sale of the "Hoben" property and the Metropolitan Life property.
- 3) Our recorded right to approve exterior changes on the "Hoben" property and Metropolitan Life property, and
- 4) Our interest in overall development of the area.

We feel that until library plans are finalized, it will not be known how critical this access will be to that development. In the event this property reverts to us, it will be impossible to determine at this time the importance of this access to any other development that we might plan.

There is presently an easement over the European Health Spa property for the benefit of the "Hoben" property which is to be released if a median cut is constructed in France Avenue for access to  $69\frac{1}{2}$  Street. The vacation of  $69\frac{1}{2}$  Street reduces substantially the likelihood that the European Health Spa will ever be relieved of the burden of this easement.

It appears that one reason for the request for the vacation of  $69\frac{1}{2}$  Street stems from the parking problem on the "Hoben" property, which would be somewhat relieved by additional parking provided on the vacated street. This problem is self-made and according to our calculations, the parking ratio on the "Hoben" property is close to one car per 400 square feet of gross building area. The best solution for this parking problem, as well as the Health Club's parking problem, may best be solved by an overall plan including the library site. This is a possibility that the commissioned library architects will study.

In the meantime, however, we feel that the vacation of  $69\frac{1}{2}$  Street is premature, although further study may justify such vacation.

Very truly yours,

Jonathan Abbott

DAYTON DEVELOPMENT COMPANY

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